

TOWN OF TIVERTON
ZONING BOARD OF REVIEW
MINUTES

April 3, 2013

The following petitions were received and were heard by the Tiverton Zoning Board on April 3, 2013 at 7:00 p.m. at the Tiverton Town Hall, 343 Highland Road.

Members present: Chairwoman Lise Gescheidt, John Jackson, Richard Taylor, Wendy Taylor Humphrey and Susan Krumholz.

Also present were: Peter Ruggiero, Town Solicitor, Mary Ann Escobar, Court Reporter and Gareth Eames, Building Official.

1. A petition has been filed by Michael Murphy requesting a special use permit to Article XII Sections 4.b.1. and 7 of the Tiverton Zoning Ordinance in order to erect a second free standing sign and four walls signs all of which are internally illuminated at 975 Fish Road, Tiverton, RI being Plat 110 Lot 101 on Tiverton Tax Assessor's maps whereby exceeding the number of signs permitted and internally illuminating signs which is not permitted in a Highway Commercial zoning district.

DECISION: Jim Gray and Mike Zmich from Stone Bridge Associates appeared before the board. Mr. Gray presented an opening statement. He stated they were requesting four wall signs and one pylon sign. The pylon sign will be facing the Route 24 area of the parcel. They would also like to put interior lamps in those signs. In addition, the signs they wish to put up would exceed the number of signs according to the ordinance and they would like a variance so that they could do the four wall signs on the building and then the fifth would be the pylon sign.

Mr. Gray submitted drawings to the board for their review. The pylon sign will be shorter than, and in addition to, the existing Mercedes sign that is there now. It will be the required 10 feet from the property line and it will be separated from that but in the general vicinity. The building signs which they wish to add are located in the drawings. There will be no signs facing Souza Road. They will all be towards Route 24. The signs will not be illuminated between midnight and 6:00 a.m.

The Board went into Executive Session to discuss the matter. Ms. Krumholz made a motion to grant the special use permit requested in order to erect a second free standing sign, four wall signs, all of which are internally illuminated. It was noted that these signs shall not be illuminated between the hours stated previously, which was midnight to 6:00 a.m. Ms. Humphrey seconded the motion. The Vote was unanimous. Voting were: Ms. Gescheidt, Mr. Jackson, Mr. Taylor and Ms. Krumholz.

2. A petition has been filed by Maria Amaral of Tiverton RI requesting a variance to Article XIV Section 5 and Article V Section 1 of the Tiverton Zoning Ordinance in order to construct a detached garage at 667 Fish Road, Tiverton, RI being Plat 111 Lot 123 on Tiverton Tax Assessor's Maps whereby expanding a legal non-conforming use and exceeding maximum height allowed in a R30 zoning district.

DECISION: This matter was continued to tonight from last month. Ken Tremblay appeared on behalf of the petitioners. He submitted photographs for the board to review. The petitioner is asking for a garage which exceeds the height by 5 feet. Mr. Tremblay stated that the closest house behind him is 30 feet, so it wouldn't interfere with that house. The garage he wants to build is a two stall garage.

Mr. Amaral showed the photographs to the Board showing that his house is actually lower than the other houses. The pictures also show about a five foot variation from the street to the driveway. He also shows photographs showing the height difference from the neighbor's roof to his roof. In addition, there are photographs of a similar garage just a few houses down the street which is actually a three stall garage. He is only requesting a two stall garage. He stated that he needs the extra space for storage, as the current house has no basement.

The Board was concerned with the drainage on the property. Mr. Amaral stated that there is a gully that the water flows in the spring and the fall. He stated that he really didn't have any problems in that area except in 2010 when there was that major flood problem.

The Board was concerned with the plans which had a dormer on the roof. Mr. Amaral stated that he didn't have to have the dormer. The garage will have electricity, but no running water.

Appraiser, Keith Roberts, appeared before the board stating that this request would not be a detriment to the neighborhood, would have no adverse effects to the surrounding properties. He stated that he believed this would be consistent with the Comprehensive Plan.

The Board went into Executive Session to discuss the matter. Ms. Humphrey made a motion to grant the variance with a special condition that the dormers be removed from the structure and that the second floor be used for storage only. Mr. Jackson seconded. The Vote was unanimous.

Administrative Items: Mr. Taylor made a motion to except the minutes from last month. Mr. Jackson seconded. The Vote was unanimous. Voting were: Ms. Gescheidt, Mr. Jackson, Mr. Taylor and Ms. Krumholz.

Mr. Taylor presented a rough draft copy of an amendment to the procedures for recusal. The question was where a board member should sit if they recuse themselves. The Board agree that the recused board member should not sit at the table, but can sit in the audience if they so desire. Mr. Taylor stated he will submit at the next meeting a revised version that the Board can vote on and adopt.

Ms. Humphrey made a motion to adjourn. Mr. Jackson seconded. The Vote was unanimous. Voting were: Ms. Gescheidt, Mr. Jackson, Mr. Taylor and Ms. Krumholz. The meeting adjourned at 8:00 p.m.

ZBR: MAE